

ORM PTO-1083  
Mail Stop: RCE  
COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, VA 22313-1450



Docket No.: 486.1003US  
Date: October 25, 2007

In re application of: **David L. Rhodes.**  
Serial No.: 10/700,976  
Filed: November 4, 2003  
For: **METHOD AND SYSTEM FOR VIRTUAL INJECTION OF NETWORK APPLICATION CODES INTO NETWORK SIMULATION**

Sir:

Transmitted herewith is a **Request for Continued Examination (1 page)** in the above-identified application.

- [ ] Small entity status under 37 C.F.R. 1.9 and 1.27 has been previously established.  
[ ] Applicants assert small entity status under 37 C.F.R. 1.9 and 1.27.  
☒ No fee for additional claims is required.  
[ ] A filing fee for additional claims calculated as shown below, is required:

FOR:	(Col. 1)	(Col. 2)	PRESENT EXTRA	SMALL ENTITY		OR	LARGE ENTITY	
	REMAINING AFTER AMENDMENT	HIGHEST PREVIOUSLY PAID FOR		RATE	FEE		RATE	FEE
TOTAL CLAIMS	* Minus**	=	0	x \$	91		x \$	18
INDEP. CLAIMS	* Minus***	=	0	x \$	43		x \$	86
[ ] FIRST PRESENTATION OF MULTIPLE DEP. CLAIM				+	\$145		+	\$290

TOTAL: \$ OR TOTAL: \$

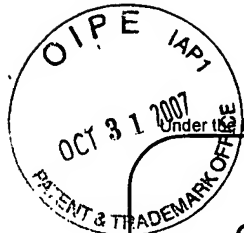
- \* If the entry in Co. 1 is less than the entry in Col. 2, write "0" in Col. 3.  
\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.  
\*\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space.

- ☒ Also transmitted herewith are:  
☒ Petition for extension under 37 C.F.R. 1.136  
☒ Other: **Response to Office Action (13 pages), and Return Receipt Postcard**
- ☒ Check(s) in the amount of **\$930.00** is/are attached to cover:  
[ ] Filing fee for additional claims under 37 C.F.R. 1.16  
☒ Petition fee for extension under 37 C.F.R. 1.136  
☒ Other: **RCE fee under 37 C.F.R. 1.17 (e).**
- ☒ The Assistant Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-0552.
- ☒ Any filing fee under 37 C.F.R. 1.16 for the presentation of additional claims which are not paid by check submitted herewith.  
☒ Any patent application processing fees under 37 C.F.R. 1.17.  
☒ Any petition fees for extension under 37 C.F.R. 1.136 which are not paid by check submitted herewith, and it is hereby requested that this be a petition for an automatic extension of time under 37 CFR 1.136.

  
Cary S. Kappel, Reg. No. 36,561  
DAVIDSON, DAVIDSON & KAPPEL, LLC  
485 Seventh Avenue, 14<sup>th</sup> Floor  
New York, New York 10018  
Tel: (212) 736-1940  
Fax: (212) 736-2427

I hereby certify that the documents referred to as attached therein and/or fee are being deposited with the United States Postal Service as "first class mail" with sufficient postage in an envelope addressed to "Mail Stop: RCE; Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" on October 25, 2007.  
DAVIDSON, DAVIDSON & KAPPEL, LLC

BY: \_\_\_\_\_  
Luis Baez



## Request For Continued Examination (RCE) Transmittal

Address to:  
Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Application Number	10/700,976
Filing Date	11/04/2003
First Named Inventor	David L. Rhodes
Art Unit	2123
Examiner Name	Ochoa Juan Carlos
Attorney Docket Number	486.1003US

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 C.F.R. 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).
- a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
- i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_
- ii. ☐ Other \_\_\_\_\_
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☐ Other \_\_\_\_\_
2. **Miscellaneous**
- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. 1.17(i) required)
- b. ☐ Other \_\_\_\_\_
3. **Fees** The RCE fee under 37 C.F.R. 1.17(e) is required by 37 C.F.R. 1.114 when the RCE is filed.
- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 50-0552. I have enclosed a duplicate copy of this sheet.
- i. ☒ RCE fee required under 37 C.F.R. 1.17(e)
- ii. ☒ Extension of time fee (37 C.F.R. 1.136 and 1.17) 11/01/2007 WASFAM1 00000024 10700976
- iii. ☒ Other Small Entity 01 FC:2801 405.00 OP
- b. ☒ Check in the amount of \$ 525.00 enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Signature		Date	October 25, 2007
Name (Print /Type)	Cary S. Kappel	Registration No. (Attorney/Agent)	36,561

### CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Signature			
Name (Print /Type)	Luis Baez	Date	October 25, 2007

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.